

Effective 5/10/2016

53A-15-1504 Background checks for licensed educators.

The State Board of Education shall:

- (1) require a license applicant to submit to a nationwide criminal background check and ongoing monitoring as a condition for licensing;
- (2) collect the following from an applicant:
 - (a) personal identifying information;
 - (b) a fee described in Subsection 53-10-108(15); and
 - (c) consent, on a form specified by the State Board of Education, for:
 - (i) an initial fingerprint-based background check by the FBI and bureau upon submission of the application;
 - (ii) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section 53A-15-1505; and
 - (iii) disclosure of any criminal history information to the individual's employing LEA or qualifying private school;
- (3) submit an applicant's personal identifying information to the bureau for:
 - (a) an initial fingerprint-based background check by the FBI and bureau; and
 - (b) ongoing monitoring through registration with the systems described in Section 53A-15-1505 if the results of the initial background check do not contain disqualifying criminal history information as determined by the State Board of Education in accordance with Section 53A-15-1506;
- (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure that the State Board of Education only receives notifications for individuals with whom the State Board of Education maintains an authorizing relationship;
- (5) notify the employing LEA or qualifying private school upon receipt of any criminal history information reported on a licensed educator employed by the LEA or qualifying private school; and
- (6)
 - (a) collect the information described in Subsection (2) from individuals who were licensed prior to July 1, 2015, by the individual's next license renewal date; and
 - (b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section 53A-15-1505.

Amended by Chapter 44, 2016 General Session

Amended by Chapter 348, 2016 General Session